



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

February 17, 1955

Honorable Charles M. Babb
Executive Director
Texas State Board of Examiners
in Optometry
304 Bolm Building
Austin, Texas

Dear Mr. Babb:

Opinion No. MS-174
Re: Refund of renewal fees.

Your request for an opinion reads as follows:

"On behalf of the Board I am writing to request an opinion as to whether or not the Board can return a renewal fee to the widow of deceased optometrist.

"The optometrist paid his 1955 renewal fee on October 8, 1954, and was issued a receipt by the Board. Prior to January 1, 1955, the optometrist passed away and his widow now requests the return of the renewal fee."

Article 4565-a of Vernon's Civil Statutes provides that "on or before the first day of January of each year every licensed optometrist in this State shall pay to the Secretary-treasurer of the Texas State Board of Examiners in Optometry an annual renewal fee of Twenty Dollars (\$20) for the renewal of his license to practice optometry for the current year. . . ." There is no provision in the optometry laws for the refund of renewal fees which have been paid to the Secretary-greasurer of the Texas State Board of Examiners in Optometry.

According to the facts submitted by you, the optometrist paid his renewal fee prior to January 1, 1955 as authorized by the provisions of Article 4565-a, Vernon's Civil Statutes. Upon acceptance of the renewal fee, it became State moneys which were voluntarily paid by the optometrist. Unfortunately, the Legislature has not provided for the refund of renewal fees. Although there is a moral obligation to make this refund, the Legislature has not authorized the Board of Examiners in Optometry to do so. In the absence of such authorization, we are compelled to advise you that no refund can be made.

Yours very truly,

JR:cs:egw

JOHN BEN SHEPPERD
Attorney General

By

Assistant